

IN THE EXECUTIVE ETHICS COMMISSION  
OF THE STATE OF ILLINOIS

In re: ROBERT COUCH                                 )             OEIG Case # 11—01196

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Commission to redact information from this report that may reveal the identity of witnesses, complainants or informants and “any other information it believes should not be made public.” 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report’s factual allegations or legal conclusions before the Commission.

The Executive Ethics Commission (“Commission”) received a final report from the Governor’s Office of Executive Inspector General (“OEIG”) and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor’s Executive Inspector General and to Robert Couch at his last known addresses.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

**FINAL REPORT**

**I.     Initial Allegation and Subsequent Allegation**

The Office of Executive Inspector General (“OEIG”) received a complaint alleging that Illinois Department of Veterans Affairs (“IDVA”) employee Robert Couch misrepresented his employment history to obtain a promotion to the position of Stationary Engineer at the Illinois Veterans’ Home at Quincy. In addition to finding that Mr. Couch misrepresented his employment history, the OEIG also finds that Mr. Couch engaged in conduct unbecoming of an IDVA employee.

## **II. Investigation**

### **A. Robert Couch's Initial IDVA Position and Responsibilities**

On or about November 1, 2010, IDVA hired Mr. Couch as a part-time IDVA Power Plant Maintenance Worker in Quincy. Mr. Couch served in this capacity for about six months.

The Power Plant Maintenance Worker is a part-time position that reports to the Stationary Engineer. In his position as Power Plant Maintenance Worker, Mr. Couch was paid \$35.84 per hour.

### **B. Robert Couch's Promotion to the Position of Stationary Engineer**

On or about April 26, 2011, Mr. Couch applied for a promotion to the position of IDVA Stationary Engineer.

On or about May 12, 2011, Mr. Couch was selected as IDVA Stationary Engineer at the Illinois Veterans' Home at Quincy. As Stationary Engineer, Mr. Couch's duties and responsibilities included, among other things, operating and maintaining high pressure stationary power plant boilers ("high pressure boilers"). Mr. Couch also supervised one full-time employee, a Stationary Fireman. In his position as IDVA Stationary Engineer, Mr. Couch is paid \$41.32 per hour.

### **C. Review of the Qualifications to Hold the IDVA Stationary Engineer Position and Robert Couch's Application for State Employment**

In light of the fact that Mr. Couch served as IDVA Stationary Engineer, a position that required him to supervise a Stationary Fireman, OEIG investigators obtained and reviewed copies of IDVA's position description and qualifications for both the IDVA Stationary Engineer and subordinate Stationary Fireman position.

Investigators discovered that an IDVA Stationary Engineer was required to possess at least "four years experience in power plant operation and in firing high pressure stationary boilers." The qualifications for the subordinate Stationary Fireman position that a Stationary Engineer would have to supervise required that individual (Stationary Fireman) to possess at least "two years experience in firing high pressure stationary boilers."

OEIG investigators obtained and reviewed a copy of the CMS 100 application form ("CMS 100") Robert Couch submitted for the Stationary Engineer position. The CMS 100 instructs applicants to "describe duties and responsibilities for each position title separately."

A review of the CMS 100 Mr. Couch submitted revealed the following:

- That from January 2001 to November 2010, he held the position of "Utilities Operator/Mechanic" with Cargill Meat Solutions ("Cargill") in Beardstown, Illinois. The first of several duties and responsibilities Mr. Couch listed for this

position at Cargill was “operation and maintenance of three high pressure gas fired fire tube boilers.”

- That between November 2010 and April 2011, he was an IDVA Power Plant Maintenance Worker at the Illinois Veterans’ Home at Quincy. Mr. Couch included in the duties and responsibilities for this prior IDVA position “performing maintenance on high pressure coal fired boiler.”

The CMS 100 contains language instructing applicants that, “[i]f additional space is needed, attach a separate sheet following the same format as below.” In addition, the final paragraph of the CMS 100, requires applicants to “certify that the information on this application is true and accurate” and further requires them to certify that “misrepresentation of any material fact may be grounds for ineligibility or termination of employment.”

Mr. Couch did not submit or attach a separate sheet expanding on any of the information he had included in his CMS 100. On April 26, 2011, Mr. Couch signed the CMS 100 certifying that the above information was true and accurate.

#### **D. Review of Cargill Records Reflecting Robert Couch’s Past Employment**

OEIG investigators obtained and reviewed a copy of Mr. Couch’s Cargill Personnel Action Form, which detailed the positions Mr. Couch held at Cargill.

A review of the records revealed that, between January 2001 and July 2009, Mr. Couch was a Kill Floor Mechanic. Between July 2009 and November 2010, Mr. Couch was a Utilities Operator. In other words, there was no indication from these documents that Mr. Couch had “operation and maintenance of three high pressure gas fired fire tube boilers” sufficient to meet the qualifications for the IDVA Stationary Engineer position which required “four years experience in the operation of high pressure stationary boilers.”

#### **E. Interviews Relating to Robert Couch’s Employment History**

##### *i. Interview of Cargill Employee [redacted]*

On September 13, 2011, in an effort to precisely determine what duties and responsibilities Mr. Couch had at Cargill, OEIG investigators interviewed Cargill employee [redacted]. [Redacted] is a Cargill Safety Regulations Manager and was in Mr. Couch’s chain of command at Cargill.

During the interview, [redacted] said that Utilities Operator and Kill Floor Mechanic are separate positions with unique duties and responsibilities. [Redacted] stated that a Utilities Operator operates and maintains power plant equipment including, among other things, high pressure boilers. A Kill Floor Mechanic operates and maintains machinery used to slaughter and process pork. [Redacted] recalled that Mr. Couch was a Kill Floor Mechanic for all but the last

year of his employment at Cargill. According to [redacted], Mr. Couch did not work with high pressure boilers while employed as a Kill Floor Mechanic.

*ii. Interview of IDVA Employee [Employee 1]*

On September 20, 2011, OEIG investigators interviewed IDVA employee [employee 1]. [Employee 1] is [identifying information redacted].

During the interview, [employee 1] said, as a Stationary Engineer, Mr. Couch is responsible for operating and maintaining high pressure boilers at Quincy Veterans' Home and ensuring that the power plant "doesn't blow up." [Employee 1] also said the Stationary Engineer position is considered a "critical needs position" because of its duties and responsibilities regarding high pressure boilers.

[Employee 1] said she reviewed every application submitted for the Stationary Engineer opening and only offered interviews to candidates that had four years of experience working with high pressure boilers. [Employee 1] informed investigators that IDVA conducts criminal background checks of candidates but does not otherwise verify employment history.

Investigators provided [employee 1] a copy of Mr. Couch's Cargill Personnel Action Form. After reviewing the records, [employee 1] said Mr. Couch would not have received an interview for the Stationary Engineer position if he reported (on his CMS 100) that he had less than four years experience operating and maintaining high pressure boilers. [Employee 1] also said, based on the Mr. Couch's Cargill Personnel Action Form, he would not even have been qualified to hold the Stationary Fireman position, which required two years experience operating and maintaining high pressure boilers, a position that reports directly to the Stationary Engineer.

**F. Interview of Subject Robert Couch**

On September 23, 2011, OEIG investigators interviewed Robert Couch. During the interview, Mr. Couch said he did not have four years of experience operating and maintaining high pressure boilers when he applied for the Stationary Engineer position. Mr. Couch stated that he understood that the position required four years of experience, but believed that he could credit his time as a Cargill Kill Floor Mechanic toward the necessary four years of experience because, in that position, he maintained other industrial equipment. Mr. Couch said that, until 2009, he was only a Cargill Kill Floor Mechanic. However, Mr. Couch reiterated that, when he applied for the IDVA position, he did not have the amount of required work experience. Mr. Couch also said, even if IDVA credited his time in the Stationary Engineer position, he would not have the necessary experience to hold the Stationary Engineer position.

Mr. Couch said that, although he did not accurately represent his work experience on the CMS 100 he submitted for the Stationary Engineer position, he did not intend to falsify the application. Mr. Couch said that there was not enough room on the CMS 100 to list his two positions with Cargill separately, so he combined them into one entry.

**G. Investigative Activity Following Subject Robert Couch's Interview**

On October 5 and 6, 2011, in an effort to determine how Mr. Couch responded to questions during his interview for the Stationary Engineer position, OEIG investigators interviewed IDVA employees [employee 2], [employee 1], and [employee 3]. [Employee 2], [employee 1], and [employee 3] conducted the employment interviews for the Stationary Engineer position.

During the interviews, each said the *Rutan* interview questions for the Stationary Engineer position did not specifically ask the number of years experience working with high pressure boilers. Each recalled that Mr. Couch said he worked with high pressure boilers at Cargill, but did not offer specific information relating to his job duties and responsibilities or the position(s) he held at Cargill. Each said they never questioned Mr. Couch's or any other candidate's responses to interview questions because the *Rutan* interview's structure precluded follow-up queries. In addition, each stated that they had no reason to believe Mr. Couch did not have the four years of necessary experience for the Stationary Engineer position because he had been prequalified for the interview. [Employee 1], who prequalified Mr. Couch, reiterated that Mr. Couch's CMS 100 indicated he had sufficient experience to interview for the Stationary Engineer position.

### **III. Analysis**

#### **A. Robert Couch Made False Certifications on His Employment Application**

The Central Management Services Personnel Code states that “[n]o person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of this law, or in any manner commit or attempt to commit any fraud preventing the impartial execution of this law and the rules.” 20 ILCS 415/13(1). The Personnel Code was established to provide a system of personnel administration “based on merit principles and scientific methods.” 20 ILCS 415/2. Violation of the Personnel Code is a Class B misdemeanor, which is punishable by up to six months imprisonment a fine of up to \$1,500. 20 ILCS 415/18; 730 ILCS 5/5-4.5-60.

The investigation revealed that Robert Couch made the following false certifications in order to obtain the Stationary Engineer position at the Illinois Veterans' Home at Quincy:

- That, between January 2001 and November 2010, he held the position of Cargill “Utilities Operator/Mechanic;” and
- That, between January 2001 and November 2010, his duties and responsibilities at Cargill included, “operation and maintenance of three high pressure gas fired fire tube boilers.”

Mr. Couch signed his CMS 100 certifying that “the information on this application is true and accurate.” In reality, Mr. Couch worked as a Cargill Kill Floor Mechanic from January 2001 through July 2009 and as a Cargill Utilities Operator from July 2009 through November 2010. Because the Cargill Kill Floor Mechanic and Cargill Utilities Operator are separate positions with independent duties and responsibilities, Mr. Couch's signing his CMS 100 indicating the



Cargill Kill Floor Mechanic and Cargill Utilities Operator were a single position was a false certification.

Directly under the instruction on the CMS 100 to “describe duties and responsibilities for each position title separately,” Mr. Couch wrote “operation and maintenance of three high pressure gas fired fire tube boilers” without any indication that he did not perform these tasks the entire time he worked at Cargill. However, Mr. Couch only worked with high pressure boilers at Cargill from July 2009 through November 2010. The fact that Mr. Couch chose to list this job duty first indicates that he understood the significance of his experience with high pressure boilers. Mr. Couch could have specified on his CMS 100 that he only had responsibility for high pressure boilers for the last 16 months of his employment at Cargill, yet he did not. Mr. Couch admitted that he was aware that the Stationary Engineer position required a minimum of four years experience operating high pressure boilers. Mr. Couch also admitted that he did not have this experience. Therefore, Mr. Couch, knowing that he could not obtain the Stationary Engineer position without four years of experience operating high pressure boilers, intentionally completed his application to give the false impression that he had over nine years experience working with high pressure boilers.

Under any measure, Mr. Couch should not be working in the Stationary Engineer position at the Illinois Veterans’ Home at Quincy. At the time he applied for the Stationary Engineer position, Mr. Couch did not meet the minimum qualifications for the position. In fact, even counting the time Mr. Couch has already served as Stationary Engineer at the Illinois Veterans’ Home at Quincy, he *still* does not have the required four years of experience to hold the position. Moreover, when he applied for the Stationary Engineer position, Mr. Couch was not even qualified to hold the Stationary Fireman position, which is subordinate to the Stationary Engineer, because he did not have the required two years experience with high pressure boilers for that position. Mr. Couch’s false certifications allowed him to interview for the Stationary Engineer position for which he was not qualified. Accordingly, his misrepresentations prevented IDVA from hiring a Stationary Engineer “based on merit principles.”

Mr. Couch’s statement that he did not intentionally falsify his application is simply not credible. Mr. Couch claimed that he combined his two positions at Cargill into a single position because there was not room on the CMS 100 application form to list them separately. However, the CMS 100 states that “if additional space is needed, attach a separate sheet following the same format as below.” However, no additional sheets were attached.

Most importantly, Mr. Couch’s relative inexperience operating and maintaining high pressure boilers jeopardizes the safety of the IDVA employees and residents at the Illinois Veterans’ Home at Quincy. As [employee 1] put it, Mr. Couch is responsible for, among other things, ensuring the Quincy Veterans’ Home power plant “doesn’t blow up.”

Had Mr. Couch accurately represented his employment history, he would not have been eligible to interview for his current position, and IDVA could have selected a qualified candidate. Therefore, the allegation that Robert Couch falsely certified his relevant employment experience to obtain the IDVA Stationary Engineer position is **FOUNDED**.

## **B. Robert Couch Engaged in Conduct Unbecoming of an IDVA Employee**

IDVA Employee Handbook, Chapter 1, Section 1(14), prohibits employees from making a false report to the Department, including making false statements relating to employment. IDVA Employee Handbook Chapter 1, Section 1, requires employees to adhere “to the highest standards of ethical conduct.” IDVA Employee Handbook, Chapter 1, Section 2(17), prohibits employees from engaging in conduct unbecoming of an IDVA employee.

The investigation revealed that Robert Couch engaged in conduct unbecoming of an IDVA employee when he misrepresented his employment history on the CMS 100 that he submitted while employed as an IDVA Power Plant Maintenance Worker. Mr. Couch worked with the IDVA Stationary Engineer for six months before making false certifications on his CMS 100. Because of his six months working with an IDVA Stationary Engineer, Mr. Couch had reason to know that the position was responsible for, as [employee 1] put it, ensuring the power plant “doesn’t blow up.” As noted above, Mr. Couch’s false certifications on his CMS 100 directly related to the primary duties and responsibilities of the Stationary Engineer position. Mr. Couch also admitted that he knew he was required to have four years experience operating and maintaining high pressure boilers to qualify for the Stationary Engineer position. Nevertheless, Mr. Couch misrepresented his employment history to obtain a position for which he was not qualified. In effect, Mr. Couch placed his economic self interest above the safety of the employees and residents at the Illinois Veterans’ Home at Quincy, which is certainly not consistent with “the highest standards of ethical conduct.” Because he did not meet the standard of conduct expected from an IDVA employee, the allegation that Robert Couch engaged in conduct unbecoming is **FOUNDED**.

## **IV. Recommendations**

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Robert Couch made the following false certifications to obtain the Stationary Engineer position at the Illinois Veterans’ Home at Quincy:
  - That, between January 2001 and November 2010, he held the position of “Cargill Utilities Operator/Mechanic;” and
  - That, between January 2001 and November 2010, his duties and responsibilities at Cargill included, “operation and maintenance of three high pressure gas fired fire tube boilers.”
- **FOUNDED** – Robert Couch engaged in conduct unbecoming of an IDVA employee.

Because of the safety concerns relating to the Stationary Engineer position, the fact that Mr. Couch does not have the necessary experience to hold his position, and the fact that Mr. Couch’s false certifications on his CMS 100 exhibit a reckless disregard for the safety of others when presented with an opportunity for economic advancement, the OEIG recommends that Robert Couch be discharged for making false certifications on his CMS 100 to obtain the Stationary Engineer position and engaging in conduct unbecoming of an IDVA employee.

The OEIG also recommends that, pursuant to 80 Ill. Admin. Code 302.130(b)(10), IDVA request that CMS remove Robert Couch from any eligible list “for good and sufficient cause,” or any other appropriate basis.

No further investigation is required and this matter is considered closed.





STATE OF ILLINOIS  
**DEPARTMENT OF VETERANS' AFFAIRS**

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PAT QUINN  
GOVERNOR

ERICA J. BORGGREN  
DIRECTOR

November 21, 2011

Mr. Ricardo Meza  
Executive Inspector General  
for the Agencies of the Illinois Governor  
607 East Adams, 14<sup>th</sup> Floor  
Springfield, Illinois 62701

Re: OEIG Case Number #11-1196 – Final Report

Dear Inspector General Meza:

In accordance with the provisions of the State Officials and Employee Ethics Act (5 ILCS 430/ et seq.), I desire to inform you that the Department of Veterans Affairs (IDVA) fully accepts the recommendations in the above referenced final report. IDVA is presently pursuing the suggested course of action.

If you have any questions concerning this correspondence, please contact me by phone in Chicago at (312) 814-5391.

Sincerely,

/James A. Robideau  
General Counsel  
and Agency Ethics Officer



STATE OF ILLINOIS

## DEPARTMENT OF VETERANS' AFFAIRS

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PAT QUINN  
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December 19, 2011

Mr. Ricardo Meza  
Executive Inspector General  
for the Agencies of the Illinois Governor  
607 East Adams, 14<sup>th</sup> Floor  
Springfield, Illinois 62701

Re: OEIG Case Number #11-1196 – Final Report - Update

Dear Inspector General Meza:

As an update to our correspondence of November 21, 2011 relative to this matter, be advised that the subject employee tendered a resignation effective November 22, 2011. The resignation was accepted. A Personnel Action Form (CMS-2) indicating "NO REINSTATEMENT TO AGENCY" was submitted to CMS the same day.

If you have any questions concerning this correspondence, please contact me by phone in Chicago at (312) 814-5391.

Sincerely,

James A. Robideau  
General Counsel  
and Agency Ethics Officer